

Exhibit 2

Appendix to Proposed *Amended Petition for a Writ of Habeas Corpus*

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

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STATEMENT OF: RASHAN GATFNEY

DATE AND TIME: 12-30-11 5:54 PM

PLACE: 750 RACE ST Rm 104, outside Interview Room "A"

CONCERNING: Shooting Death of ERCEL STERNS At 6700 Wilkins Ave

IN PRESENCE OF: Det. BYARD #810 and Det. KIRK #9254

INTERROGATED BY: Det. BYARD #810

RECORDED BY: Det. BYARD #810

I am Det. BYARD and this Det. KIRK #9254

We are questioning you concerning the shooting DEATH of
ERCEL STERNS

We have a duty to explain to you and to warn you that you have the following legal rights:

- A. You have a right to remain silent and do not have to say anything at all.
- B. Anything you say can and will be used against you in Court.
- C. You have a right to talk to a lawyer of your own choice before we ask you any questions, and also to have a lawyer here with you while we ask questions.
- D. If you cannot afford to hire a lawyer, and you want one, we will see that you have a lawyer provided to you, free charge, before we ask you any questions.
- E. If you are willing to give us a statement you have a right to stop at any time.

A1

1. Q. Do you understand that you have a right to keep quiet, and do not have to say anything at all?

A. YES

2. Q. Do you understand that anything you say can and will be used against you?

A. YES

3. Q. Do you want to remain silent?

A. NO

4. Q. Do you understand that you have a right to talk with a lawyer before we ask you any questions?

A. YES

5. Q. Do you understand that if you cannot afford to hire a lawyer, and you want one, we will not ask you any questions until a lawyer is appointed for you free of charge.

A. YES

6. Q. Do you want to talk with a lawyer at this time, or to have a lawyer with you while we ask you questions?

A. NO

7. Q. Are you willing to answer questions of your own free will, without force or fear, and without any threats or promises having been made to you?

A. YES

Statement of:

Rashem
Rasha Gaffney

Date:

12-30-11

A2

INVESTIGATION INTERVIEW RECORD		PHILADELPHIA POLICE DEPARTMENT		CASE NUMBER: 11-285	
				INTERVIEWER: Byard/Kane	
NAME: Rashan Gaffney	AGE: [REDACTED]	RACE: [REDACTED]	SEX: [REDACTED]	DOB: [REDACTED]	
ADDRESS: [REDACTED]	APARTMENT #:	HOME TELEPHONE#		OTHER CONTACT#	
NAME OF EMPLOYMENT / SCHOOL:				SOCIAL SECURITY #	
ADDRESS OF EMPLOYMENT / SCHOOL:			DEPARTMENT:	WORK TELEPHONE#	
DATES OF PLANNED VACATIONS:					
DATES OF PLANNED BUSINESS TRIPS:					
NAME OF CLOSE RELATIVE OR ALTERNATE CONTACT PERSON: [REDACTED]				RELATIONSHIP: [REDACTED]	
ADDRESS: [REDACTED]				TELEPHONE#	
PLACE OF INTERVIEW: Police Headquarters Homicide Unit Room 104 (outside of the Capt Office)				DATE: 12/30/11	TIME: 6:01pm
BROUGHT IN BY: Police				DATE: 12/30/11	TIME: 1:10pm
WE ARE QUESTIONING YOU CONCERNING: Shooting death of Ercel Stern on 11-10-11					
WARNINGS GIVEN BY: Det Byard inside of the PAB 750 Race St outside of interview room "A"				DATE: 12/30/11	TIME: 5:54pm
ANSWERS: (1) yes (2) yes (3) no (4) yes (5) yes (6) no (7) yes					

Q. Rashan, I'm Det Byard and this Det. Kane we would like to ask you questions concerning the shooting death of Ercel Stern is that ok?

A. Yes

Q Are you known by any other name?

A Shon,

Q Are you under the influence of any alcohol or drugs?

A No sir

Q How far did you go in school?

A 12 grade

Q. Rashan, do you read, write and understand the English language?

Q. Rashan, were you present on 11/10/11 when Ercel Stern was shot and killed?

A. Yes

Q. Tell us in your own words what happened concerning the shooting death of Ercel Stern?

A. We were downtown and Eric Green called Ben's phone and said that he came home and after we came from downtown we went to "E" house but he was not home. So Ben went in "E" house and put his boots on. we were about to walk home but we seen the "G" bus coming so we went back across the street to go to the store to get change to get the bus. We went in the store and got change, we came outside as we was walking to the bus stop two

A3, 20-11

INVESTIGATION INTERVIEW RECORD		CITY OF PHILADELPHIA	
CONTINUATION SHEET		POLICE DEPARTMENT	
NAME: Rashan Gaffney		PAGE# 2	CASE# 11-285

boys came around the corner (the corner where the G stop is at, 56th and Walnut) and was asking their friends what happened.

Q. Where does Eric Green live?

A. Between 55th and 56th and Walnut

Q. Who let Ben in the house?

A. Eric's niece

Q. Where is the store that you got change from?

A. Between 56th and 57th Walnut

Q. Was anyone outside of the store when you went into the store?

A. yes

Q. Who was outside of the store?

A. Two or three people

Q. Do you know the people that were outside of the store?

A. No sir

Q. When the two guys came around the corner what was they saying to the guys in front of the store?

A. "What's going on, what happened"

Q. Did any of the guys that were outside the store say anything to you or the people that you were with?

A. Yes

Q. What was said to you or your friends?

A. I was talking to Ben and one of the guys that came around the corner turned to us and said "what you say, what ya'll say"

Q. Did you say anything to the guy?

A Yes, I said what you mean what we say, we not talking to ya'll we keeping it moving

Q. Who was with you during this incident?

A. Me, Ben Ercel and Lidell

Q. Det Kane is going to show you some photos, tell me if you know the males in the photos?

A. That's Lidell (indicating Lidell Brightman PID 1048035), that's Ercel (indicating Ercel Sterns PID 1085571), that's Ben (Benerick Sterns PID 1036904)

Q. Can you describe that male that came around the corner and asked what was going on?

A. He was about 6-6'1 he had a little weight on him and he had an orange hoodie on. I didn't recognize the other

INVESTIGATION INTERVIEW RECORD		CITY OF PHILADELPHIA	
CONTINUATION SHEET		POLICE DEPARTMENT	
NAME: Rashan Gaffney		PAGE# 3	CASE# 11-285

Q. Continue?

A. Then he swung at me and then I showed him a gun and told him to go ahead. I pulled the gun out of my waist band and I shot at the ground to get him off us and that is when we ran

Q. Where did the guys go that you shot at?

A. They was standing there talking shit saying you "dick head"

Q. Where is the gun at now?

A. Naquan Cunningham got locked up with it a few months ago

Q. Det Kane is showing you a photo, is this male that you stated got arrested with the gun that you used on 56th and Walnut St?

A. This him (indicating Nairrah Cunningham PID# 1057994)

Q. How many times did you shoot?

A. Once



Q. Did you hit anyone when you shot the gun?

A. No sir

Q. Where did you and the rest of the people that was with you run to?

A. Towards 55th and Pine St

Q. Continue?

A. We started when we got to 55th and Pine and when we got to 55th and Larchwood I saw two guys following us, we walked to Baltimore Ave and we crossed Baltimore Ave and we got to 56th and Thomas and I didn't see anyone. I went to the store on 56th and Broomall St and came right back out. Then we walked down 56th and Malcolm St and that's when I saw the same two guys following us.

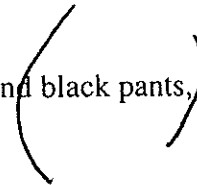
Q. How do you know that was the same two guys that were following you?

A. I seen the jacket



Q. Describe the guys that were following you?

A. My size dark skin, had a black and white jacket "NIKE" and he had on a hoodie and black pants, I really couldn't see the other like that



Q. How close where the males that was following you?

A. We met up with Eric Green on Malcolm and Frazier St and the two guys were about two or three house from us on Malcolm St. I seen them and I said to them "Yo who are these two boys following us" they like where and I like there and when they saw them we started running and they started chasing us and we ran down Frazier to Hadfield and they was shooting at us the whole time. They stopped shooting but they were still chasing us and they paused for a second or two and then started shooting again. It was a lot of shots. We was running on Hadfield towards the end of the block Ercel was saying Liddie don't leave me.

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INVESTIGATION INTERVIEW RECORD		CITY OF PHILADELPHIA	
CONTINUATION SHEET		POLICE DEPARTMENT	
NAME: Rashan Gaffney	PAGE# 4	CASE# 11-285	

Q. Who was Ercel talking to when he said don't leave me?

A. He was talking to Lidell .

Q. Continue?

A. I grabbed him (Ercel) because he was about to fall and we started running again, I don't where Ben, "E" and Liddie went because when we got to the corner they were gone. I got to the corner of 57th and Hadfield and I got under a truck and I could see Ercel running and he fell in the middle of the street in front of Ms. Jeanne's water ice stand. Ercel picked up his head and the guy with the black and white jacket on stood over him and shot him in his head and then ran off pass the POPPY store towards Baltimore Ave.

Q. Det Kane is going to show you a photo spread, tell me if you recognize anyone in the photo spread?

A. The person in number #4, that's the one that was in the black and white jacket, that's the one that shot Ercel while he was on the ground (INDICATING BUTCHIE LONG PID # 1081112)



Number #3 he was the one that was outside the POPPY store on 56th and Walnut St on the phone right before the boys came around the came around the corner. (Indicating JUSTIN SWAIN PID # 960676)

Q. Did you fired back at the males that were shooting at you and your friends on Hadfield St?

A. No sir

Q. Rashan, you are being shown surveillance photo # 1 from the POPPY store from 56th and Walnut St is this the same male that was chasing you and Ercel?

A. Yes

Q. In surveillance photo #2 is this the male that was on the phone just before the two males came around the corner?

A. Yes

A6

12-30-11

Q. In a photo

STATEMENT OF ADOPTION ATTESTATION

The above statement of 4 pages is a verbatim statement that
I have given to Det. ByARD, who recorded my
answers to questions that Det. ByARD
asked of me. I hereby adopt this verbatim statement and hereby verify
by my signature below that the facts set forth in this statement are true
and correct to the best of my knowledge, information and belief.

X Nathan Coffey 12-30-11
Signature of Witness

Det. Kane "9254"
Signature of Detective

PHILADELPHIA POLICE DEPARTMENT
HOMICIDE UNIT

NON-CONSENT TO VIDEOTAPE STATEMENT / INTERVIEW

I, RASHAN GAFFNEY, age, 19 years, Do Not consent
to the video taping and audio recording of my interview with Detectives,
BYARD 8110 / KANE 9254 of the Philadelphia Police Homicide
Unit on or about 12-30-11.

Rashan Gaffney
(Signature of Non-Consenting Party)

Date: 12-30-11

Time: 10:30 pm

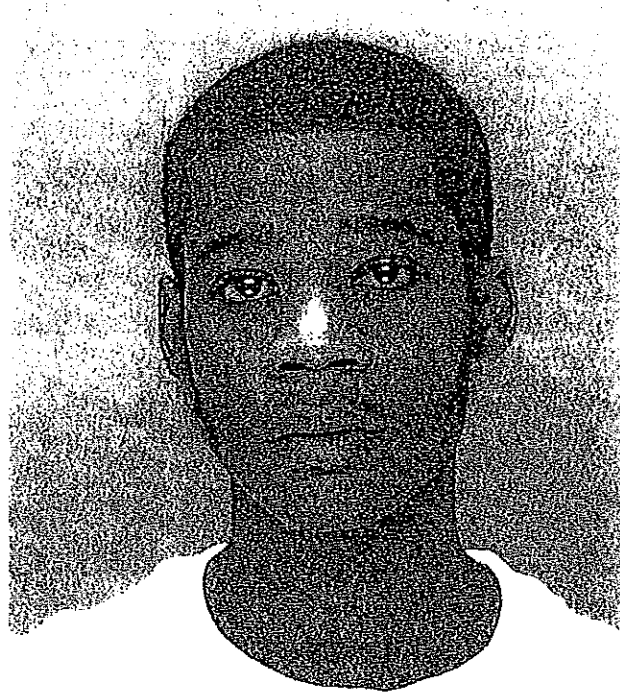
Witness: Det. Kane 9254



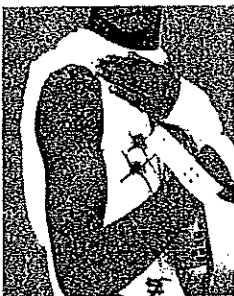
Philadelphia Police Department 12.3011

120210 Rasham Gaffney

EVENT#: 161607636
PID#: 1048035
NAME: LIDELL
BRIGHTMAN
ARREST DATE: Aug 28 2010 9:33AM
AGE AT ARREST: 17
HEIGHT: 508
WEIGHT: 120
HAIR COLOR: BLACK
EYE COLOR: BROWN



Phil
Arrestee DATABASE



FOR INVESTIGATION ONLY
NOT FOR IDENTIFICATION
DESTROY AFTER 90 DAYS



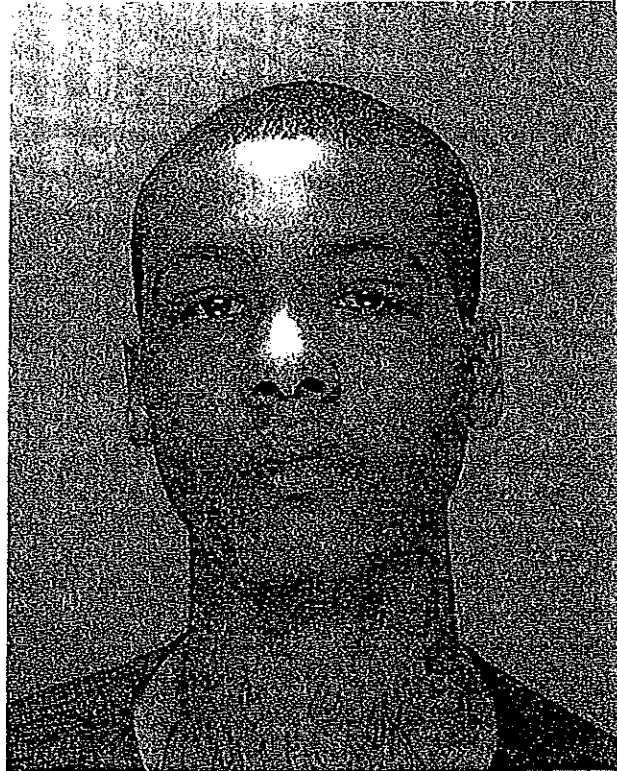


Philadelphia Police Department

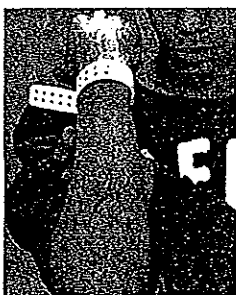
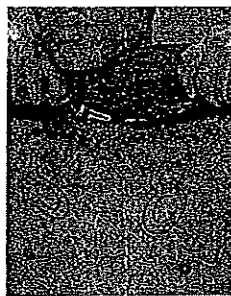
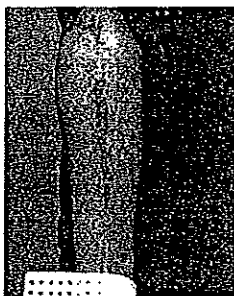
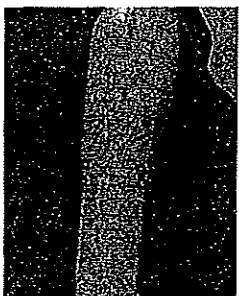
12-30-11

ERCEL RASHAWN GIFFORD

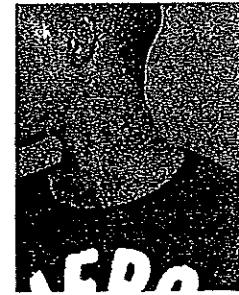
EVENT#: 161552749
PID#: 1085571
NAME: ERCEL STERNS
ARREST DATE: Jan 22 2010 3:43PM
AGE AT ARREST: 16
HEIGHT: 600
WEIGHT: 140
HAIR COLOR: BLACK
EYE COLOR: BROWN



Phil
Arrestee DATABASE



FOR INVESTIGATION ONLY
NOT FOR IDENTIFICATION
DESTROY AFTER 90 DAYS





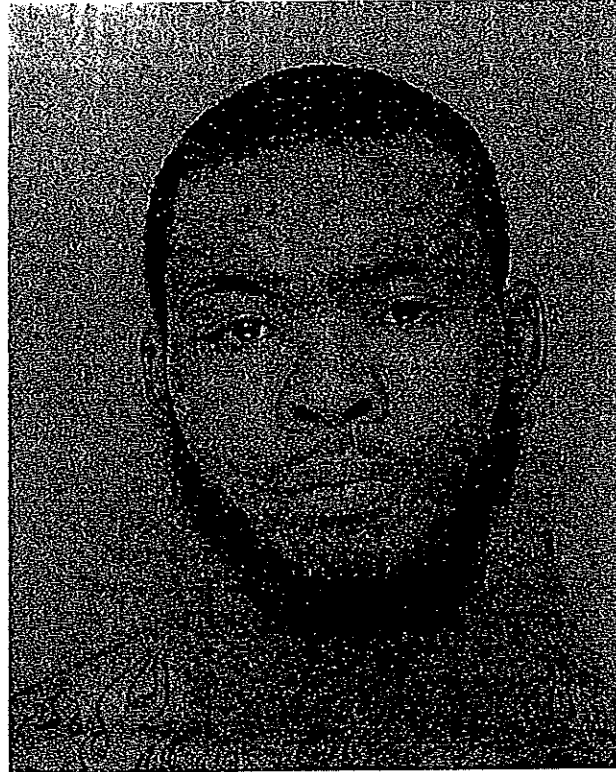
Philadelphia Police Department

12-30-11

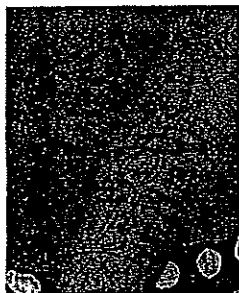
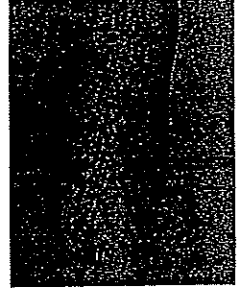
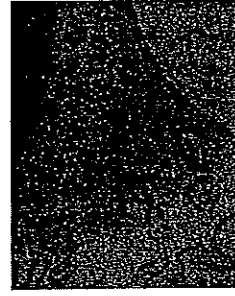
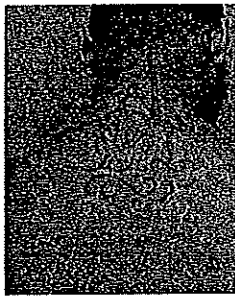
Ben

Rashawn Gaffney

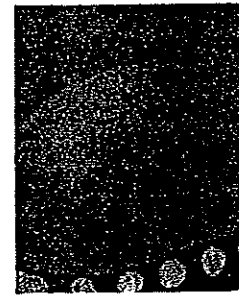
EVENT#: 131512208
PID#: 1036904
NAME: BENDERICK STERNS
ARREST DATE: Oct 14 2010 6:29PM
AGE AT ARREST: 17
HEIGHT: 510
WEIGHT: 190
HAIR COLOR: BLACK
EYE COLOR: BROWN



Phil
Arrestee DATABASE



**FOR INVESTIGATION ONLY
NOT FOR IDENTIFICATION
DESTROY AFTER 90 DAYS**



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A11

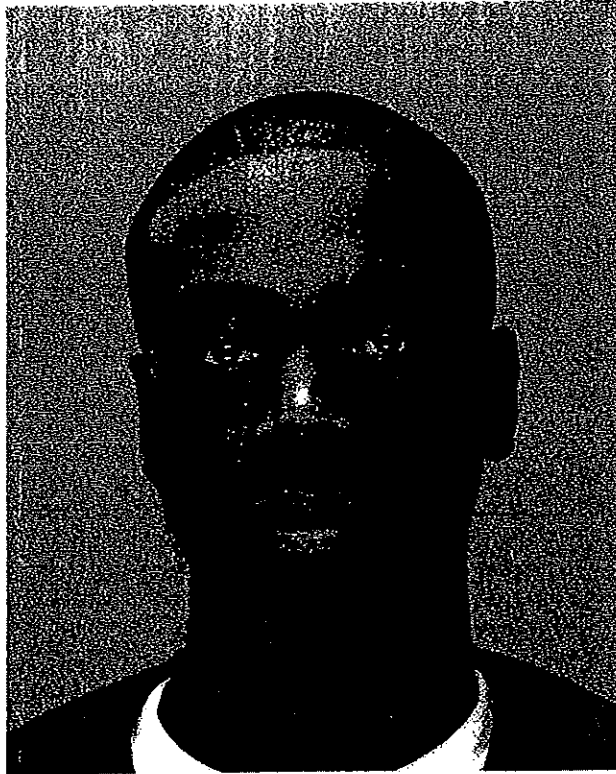


Philadelphia Police Department

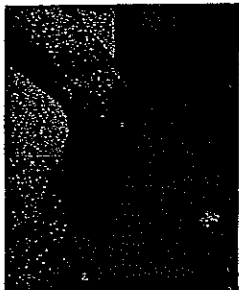
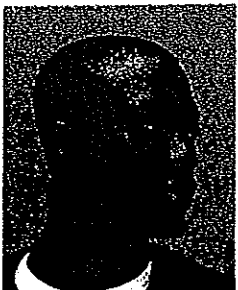
12-30-11

Quan
Rashawn
Coffey

EVENT#: 161727442
PID#: 1057994
NAME: NAIRRAH
CUNNINGHAM
ARREST DATE: Nov 18 2011 8:44AM
AGE AT ARREST: 18
HEIGHT: 510
WEIGHT: 150
HAIR COLOR: BLACK
EYE COLOR: BROWN



Phil
Arrestee DATABASE



**FOR INVESTIGATION ONLY
NOT FOR IDENTIFICATION
DESTROY AFTER 90 DAYS**



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A12



Philadelphia Police Department

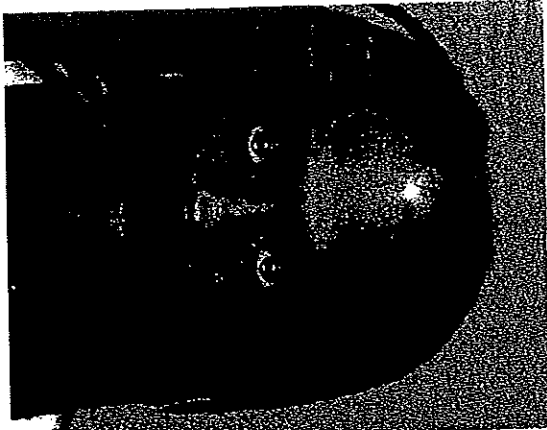


Robert Campbell
12-30-11



Philadelphia Police Department

1



2



3



4



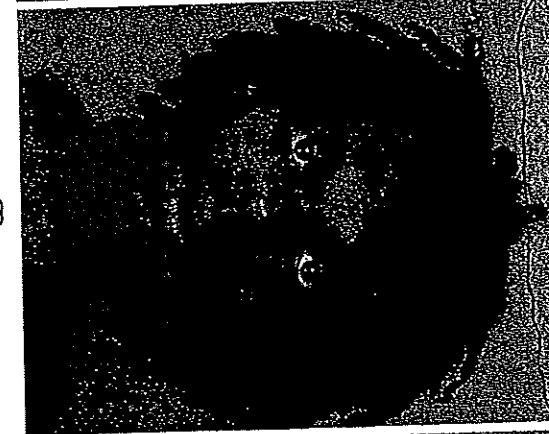
5



6



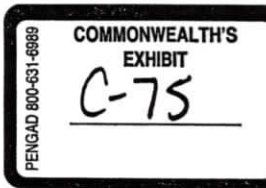
7



8



Resident Officer
12-11-20



IN THE MUNICIPAL COURT OF PHILADELPHIA COUNTY

TRIAL DIVISION

CRIMINAL SECTION

COMMONWEALTH OF PENNSYLVANIA :

v. : MC-51-CR-0002666-2012

BUTCHIE LONG :

ORDER FOR IMMUNITY

AND NOW, to wit, this 21st day of March 2012, it is hereby ORDERED and DECREED that Rashan Gaffney shall testify as a witness in the above-captioned case, and may not refuse to testify based on his privilege against self-incrimination.

And it is further ORDERED and DECREED, in accordance with the provisions of Pennsylvania Legislative Act No. 168 of 1978, 42 Pa.C.S.A., §5947, no testimony compelled under this ORDER may be used against him except as provided for under 42 Pa.C.S.A. §5947.

BY THE COURT:

LD eni J.

IN THE MUNICIPAL COURT OF PHILADELPHIA COUNTY

TRIAL DIVISION

CRIMINAL SECTION

COMMONWEALTH OF PENNSYLVANIA :

v. : MC-51-CR-0002666-2012

BUTCHIE LONG :

**PETITION FOR GRANT OF IMMUNITY
UNDER ACT NUMBER 168, OCTOBER 4, 1978**

TO THE HONORABLE, THE JUDGE OF THE SAID COURT:

R. Seth Williams, District Attorney of the City and County of Philadelphia, hereby petitions this Honorable Court for a grant of immunity for Rashan Gaffney, pursuant to Act No. 168 of 1978, and respectfully represents as follows:

1. Ercel Sterns was shot and killed on November 10, 2011 at 57th and Willows Streets in Philadelphia.

2 Investigation reveals that the decedent, the eyewitness, Rashan Gaffney, and young men were approached by the defendant and another man. After words were initiated by the defendant, the defendant went to punch Mr. Gaffney. Mr. Gaffney pulled out a gun and fired one time, not hitting anyone. Mr. Gaffney, the decedent, and their friends left the area but were pursued for several blocks by the defendant and his group. At a certain point, the defendant and his cohort began to shoot as they were chasing. The victim fell to the ground. The defendant then stood over him and shot him in the head.

3. The Medical Examiner performing the autopsy determined that Mr. Sterns died of multiple (5) gunshot wounds to the head, back, buttock and pelvis.

4. Mr. Gaffney has given a statement attesting to having a gun initially but also that he and the victim and their friends were then pursued and fired upon as they retreated. Further, Mr. Gaffney describes witnessing the murder of his friend.

5. It is possible that Rashan Gaffney may assert a Fifth Amendment privilege because he displayed and shot a gun at the beginning of the incident.

6. Should Rashan Gaffney assert such a privilege, the Commonwealth asks this Honorable Court to grant him use immunity.

WHEREFORE, petitioner requests that this Honorable Court order Rashan Gaffney to testify truthfully to such questions as are put to him in the pending preliminary hearing of the above-captioned defendant.


Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward F. McCann".

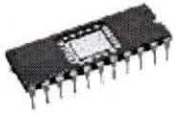
For : R. Seth Williams
District Attorney
of Philadelphia

VERIFICATION

The undersigned hereby verifies that the facts set forth in the foregoing motions are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties for unsworn falsification to authorities under 18 Pa.C.S.A. § 4904.


Bridget L. Kirn
Assistant District Attorney
Homicide Unit

Date: 3/20/2012



Edward Cameron/DA/Phila
01/25/2012 11:57 AM

To Olivia Caccoma/DA/Phila@PHILA, Michele
O'Kane/DA/Phila@Phila, Bridget Kirn/DA/Phila@Phila
cc Jennifer Selber/DA/Phila@Phila, Lynn
Nichols/DA/Phila@PHILA
bcc

Subject Butchie Long

Please assign this case to Bridget Kirn.. Bridget, this case has a history that is a little complicated. You will need to immunize witness Rashan Gaffney. He had a gun earlier on in the incident and either fired it at a person or at the ground. We needed him as a witness, so I did not approve an arrest. That position may change if he gives you a hard time. There is a related murder wherein a relative of the decedent, Ben Stern killed someone in retaliation for this case